

### **Remarks**

The above listed claim amendments and the following remarks are believed to be fully responsive to the Office Action. By this Amendment, claim 24 has been amended; no claims have been cancelled; and no claims have been added, such that claims 1-46 are pending in the Application.

### **Support for Claim Amendments**

Support for the amendments to claim 24 can be found throughout the application, for example at page 29, line 22 to page 31, line 2 and FIGS. 18a, 18b, and 18c.

Entry of the amendments is respectfully requested.

### **Claim Rejection Under § 103**

Claims 1, 2, 7-10, 12-23, 29, 30 and 32-46 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Pat. No. 5,544,689 (“Wegner ‘689”); claims 3, 4, 11, 26 and 31 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Wegner ‘689 as applied to claims 1, 2, 7-10, 12-22, 29 and 30 in view of U.S. Pat. No. 6,618,998 (“Thomas”); claim 5 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Wegner ‘689 as applied to claims 1, 2, 7-10, 12-22, 29 and 30 in view of U.S. Pat. No. 6,082,432 (“Kissinger”); claim 6 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Wenger ‘689 in view of Kissinger as applied to claims 1, 2, 5, 7-10, 12-22, 20 and 30 in view of U.S. Pat. No. 5,787,952 (“Wegner ‘952”) and Wegner ‘689 and view of Kissinger; claims 24, 25, 27 and 28 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Wegner ‘689 in view of U.S. Pat. No. 2,350,200 (“Starr”). For at least the following reasons, the claims are patentable over the cited references.

Claim 1 relates, in part, to a flexible screen positioned above a movable window sash and a biasing mechanism generating an upward positioning force on the window sash equal to at least 50% of the force of gravity acting on a window sash.

Claim 20 relates, in part, to a retractable screen assembly located above a window sash and being attached to the window sash and the door, a flexible screen attached at a first end to a roller and at a second end to an upper edge of the movable window sash, and a retraction mechanism generating a continuous upward positioning force on the window sash having a magnitude of at least 20% of the force of gravity acting on the window sash.

Claim 24 relates, in part, to a flexible screen attached at a first end to the roller and at a second end to an upper edge of a movable window sash.

Claim 32 relates, in part, to continuously applying a positioning force to a window sash in an upward direction by applying a torque to a roller, the positioning force equal to at least 50% of the force of gravity acting on a window sash.

Claim 42 relates, in part, to generating a positioning force acting upwardly on the window sash and having a magnitude of at least 20% of the force of gravity acting on the window sash.

Claim 46 relates, in part, to applying a continuous positioning force to the flexible screen in an upward direction to counteract the force of gravity acting on the window sash such that once positioned at the desired location the window sash is retained at the desired location by the positioning force until acted on by an external force other than the force of gravity, the positioning force equal to at least 20% of the force of gravity acting on the window sash.

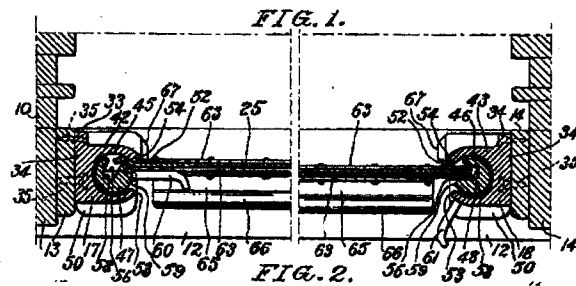
The accompany Declaration of Jay Jungling provides exemplary bases why one of ordinary skill in the art would not combine or otherwise modify the cited references to provide the recited features of claims 1, 20, 24, 32, and 42. In sum and as identified in that Declaration, Wegner '689 addresses bottom mounted systems in direct contrast to the recited features of claims 1, 20, 24, 32, and 42 presented for consideration, where neither Wegner '689 nor the other references cited in the Office Action support incorporating a biasing mechanism generating an upwardly directed positioning force on a window sash; Wegner '689 would instead be read by those of ordinary skill in the art to teach away from a screen positioned above a movable window sash or applying a positioning force to the window sash in an upward direction; the Office Action does not provide sufficient support or reasoning regarding providing positioning forces that are at least 20% or at least 50% of the force of gravity; and the modifications of Wegner '689 suggested in the Office Action would require

a substantial reconstruction and redesign of the elements shown in the references and a change in the basic principle under which those references operate.

Claim 24 as amended also relates, in part, to a housing having an opening; a roller maintained in the housing; a flexible screen attached at a first end to the roller and at a second end to an upper edge of the movable window sash, the flexible screen being wrapped about the roller and extending through the opening; a retraction mechanism providing a continuous positioning force on the window sash; and a deflection bar positioned adjacent the roller at the opening in the housing and engaging the flexible screen, the deflection bar providing a deflecting force to stretch the flexible screen tight and position the flexible screen in a desired plane.

None of the cited references, alone or in combination, provide such limitations. For example, Starr relates to substantially vertically extending locking bars that engage screen material to lock the screen in place. *See, e.g.,* Starr at p. 2, col. 1, lines 16-40 and FIGS. 1 and 2.

The locking bars 47, 48 extend vertically in bores in the window casing and have radially extending handles 60 adapted for rotating the bars to engage an edge portion of the screen and fix the screen at a desired height. Starr at p. 2, col. 1, lines 16-40.



For at least such additional reasons, the rejection of claim 24 should be withdrawn.

## **Conclusion**

As clarified in these remarks and the accompanying Declaration, all of the independent claims should be deemed allowable over the cited references. For at least such reason, the remaining, dependent claims should also be deemed allowable. In sum, all of the claims pending for examination are in condition for allowance. In view of the foregoing amendments and remarks, withdrawal of the objections and rejections and notice to that effect are respectfully requested. If there are any remaining questions, the Examiner is invited to contact the undersigned at the number listed below in order to expedite prosecution of the application.

Respectfully submitted,

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